



United States Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

URGENT MATTER – PROMPT REPLY NECESSARY
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

MAR 20 2014

Dan Pisani, Supervisor
Nucap U.S. Inc.
238 Wolcott Street
Wolcott, CT 06716

Re: **NOTICE OF VIOLATION** of the applicable Generators Standards of Hazardous Waste, Section 3002 of the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6622(a) and 6924(d) through (m) and the Regulations of Connecticut State Agencies (RCSA):22a-449(c)-102 and 22a-449(c)-108.

Dear Mr. Pisani:

On January 28, 2014, representatives of the United States Environmental Protection Agency ("EPA") conducted a RCRA Compliance Evaluation Inspection. The purpose of this inspection was to determine the compliance of Nucap U.S. Inc., EPA ID No. CTD983887829 with Connecticut Hazardous Waste Regulations RCSA 22a-449(c)-102 and 22a-449(c)-108 and the federal Hazardous Waste Management Regulations found at 40 CFR Parts 260-272. The State of Connecticut has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection noted above, EPA has determined that your facility violated certain provisions of the Connecticut Hazardous Waste Regulations and the RCRA regulations, promulgated at 40 CFR Parts 260 through 272. The specific violations are set forth below:

1. **Failure to conduct an adequate waste determination, as required by 40 CFR 262.11 and RCSA 22a-449(c) -102(a)(2)(A).**

Specifically, at the time of the inspection, Nucap U.S. Inc. was generating paint filters and paint containers containing ethyl benzene, toluene, and xylene and putting them in the municipal solid waste, without determining if the waste was hazardous, in accordance with 40 CFR 262.11 and RCSA 22a-102(a)(2)(A).

2. **Failure to adequately label containers of hazardous waste with the words "Hazardous Waste" and a description of the contents, such as the chemical name, as required by 40 CFR 262.32 and RCSA 22a-449(c)-102(a).**

Specifically, the following satellite accumulation (SAA) container, located in the Oil Storage Room was not labeled with the words "Hazardous Waste" and a description of the contents, such as the chemical name, in accordance with RCSA 22a-449(c)-102(a):

One (1) 55-gallon black steel container, marked, "sludge level", with a vacuum pump on top. This container was sludge from the wet grinder that is located in the Tool Room, according to Dan Pisani. The sludge contains chromium.

3. **Failure to locate the satellite accumulation area at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, as required by RCSA 22a-449(c)-102(a).**

At the time of the inspection, Nucap failed to locate the SAA container of grinder sludge waste at or near the location where the waste was generated. The following satellite accumulation container was located in the Oil Storage Room and not in the Tool Room near the wet grinder:

One (1) 55-gallon black steel container, marked, "sludge level", with a vacuum pump on top. This container held sludge from the wet grinder that is located in the Tool Room, according to Dan Pisani. The sludge contains chromium.

4. **Failure to keep containers of hazardous waste closed when not in use, as required by RCSA 22a-449(c)-102(c).**

At the time of the inspection, Nucap failed to keep the following satellite accumulation container, located in the Oil Storage Room, closed when not in use.

One (1) 55-gallon black steel container, marked, "sludge level", with a vacuum pump on top. This container held sludge from the wet grinder that is located in the Tool Room, according to Dan Pisani. The sludge contains chromium.

You are hereby required to:

1. Immediately upon receipt of this NOTICE:
 - a. Conduct hazardous waste determination, as required by RCSA 22a-449(c)-102(a)(2)(A).
 - b. Label all satellite accumulation containers with the words "Hazardous Waste" and a description of the contents, such as the chemical name, as required by RCSA 22a-449(c)-102(a).

- c. Locate the satellite accumulation area at or near each specific point of generation where wastes initially accumulate and under the control of the operator directly responsible for the process resulting in the generation of such waste, as required by RCRA 22a-449(c)-102(c).
- d. Close containers of hazardous waste when not in use, as required by RCRA 22a-449(c)-102(c).

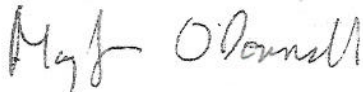
2. Within (30) thirty calendar days of receipt of this **NOTICE**:

- a. Submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations to:
Linda Brolin, Environmental Engineer
U.S. Environmental Protection Agency
5 Post Office Square, Suite 1100
Mail Code: OES05-1
Boston, MA 02109

Failure to correct the violation as required by this **NOTICE** may subject the facility to further federal enforcement action, including the assessment of penalties, pursuant to Section 3008 of RCRA 42, U.S.C. § 6928.

If you have any questions regarding this **NOTICE**, please contact Linda Brolin, at (617) 918-1876.

Sincerely,



Mary Jane O'Donnell, Acting Manager
RCRA, EPCRA, and Federal Programs Unit

cc: Joseph Schiavone, CT DEEP

